

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHIDI CHRISTIAN NWACHUKWU,

Petitioner,

v.

Case No. 10-11163

HONORABLE PATRICK J. DUGGAN

ASSISTANT CHIEF COUNSEL,
DHS-ICE,

Respondent,

**OPINION AND ORDER DENYING PETITIONER'S MOTION FOR
RECONSIDERATION**

Petitioner Chidi Christian Nwachukwu ("Petitioner"), presently confined at the Chippewa County Jail in Sault Ste. Marie, Michigan, filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. In his application, Petitioner challenged his conviction in the Circuit Court for Wayne County, Michigan for first-degree criminal sexual conduct in violation of Michigan Compiled Laws § 750.520b(1)(B), as well as an Immigration Judge's order denying Petitioner's request for asylum and ordering his deportation from the United States. Petitioner also has filed a motion to stay deportation and motion for release from custody.

In an opinion and order issued March 31, 2010, this Court summarily dismissed (without prejudice) the petition and denied Petitioner's motions for stay of deportation and release from custody for lack of subject matter jurisdiction over the issues presented. On April 14, 2010, Petitioner filed a motion for reconsideration. In his motion, in

addition to seeking reconsideration of the dismissal of his habeas corpus application and denial of his motions, Petitioner argues that the Court should have transferred his petition to the appellate court and he seeks to amend his petition.

First, this Court was not required to transfer Petitioner's application for habeas relief to the Sixth Circuit Court of Appeals. Notably, the petition was dismissed without prejudice and Petitioner is not precluded from filing a challenge with respect to the Immigration Judge's removal order in that court. Petitioner fails to present a proposed amended petition that would not be subject to summary dismissal for the reasons set forth in this Court's previous decision. Further, Petitioner fails to present any arguments demonstrating a palpable defect in the Court's previous decision that requires a different disposition of the case. *See* E.D. Mich. LR 7.1(H)(3).

Accordingly,

IT IS ORDERED, that Petitioner's motion for reconsideration is **DENIED**.

DATE: June 3, 2010

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copy to:
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